

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MAXIE C. BARBER,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-10-1407-C
)	
DAVID MILLER, Warden of the)	
Lawton Correctional Facility,)	
)	
Respondent.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Doyle W. Argo, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Argo entered a Report and Recommendation on December 14, 2011, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

Even considering the totality of the circumstances, i.e., the cumulative effect of trial counsel's alleged insufficiencies, as urged by Petitioner's counsel, the Court agrees with Judge Argo's conclusions. Petitioner has not shown that the Oklahoma Court of Criminal Appeals' decision that trial counsel was not ineffective was either contrary to or an unreasonable application of federal law; nor is there merit to Petitioner's claim that his appellate counsel was ineffective for failing to present additional issues regarding trial counsel's effectiveness.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, denies this petition for habeas corpus relief. A judgment will enter accordingly.

IT IS SO ORDERED this 31st day of January, 2012.



ROBIN J. CAUTHRON
United States District Judge